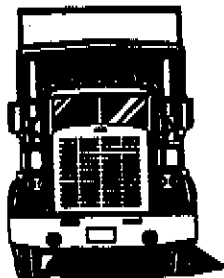


MHN



DUFFY TRUCKING

08cv1372

FILED
3-28-2008
MAR 28 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MARCH 25, 2008

CARMELL CHARONE WIDMER MOSS & BARR
230 W. MONROE ST. SUITE 1900
CHICAGO, IL 60606

WILLIAM A WIDMER III
MARTIN P BARR

DEAR SIRs

AS FOR CASE #08CV1372 PAYMENTS HAVE BEEN MADE TOWARDS THE CHAUFFEURS, TEAMSTER & HELPERS LOCAL UNION NO 301 HEALTH & WELFARE FUND. ON FEBRUARY 6th 2008 CHECK #5816 WAS CASHED FOR THE NOVEMBER 2007 CONTRIBUTION, ON MARCH 19, 2008 CHECK#5873 WAS CASHED FOR THE DECEMBER 2007 CONTRIBUTION AND ON MARCH 25, 2008 WE SENT CHECK #5896 TOWARDS THE JANUARY 2008 CONTRIBUTION. WE WILL BE PAYING THE LIQUIDED DAMAGES FOR THESE PAST MONTHS ON THURSDAY MARCH 27, 2008. IF THERE IS ANYTHING ELSE I NEED TO DO PLEASE LET US KNOW.

SINCERELY,

A handwritten signature in black ink, appearing to read "Michael Duffy".

MICHAEL DUFFY
DUFFY TRUCKING LLC

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

Michael Haffner, as Trustee of the Chauffeurs, Teamsters
& Helpers Local Union No. 301 Health & Welfare Fund,
Plaintiff,

CASE NUMBER: 08 cv 1372

V.

ASSIGNED JUDGE:

Duffy Trucking, L.L.C.,

Defendant.

DESIGNATED
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

Duffy Trucking, L.L.C.
c/o Harry P. Stinespring, III, Registered Agent
910 E. Oak St.
Lake In The Hills, IL 60156

CK# 5816
NOV-Pd 2-6
CK# 5873 DEC-Pd 3-19
JAN Pd 3-25
CK# 5896

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

William A. Widmer, III
Martin P. Barr
Carmell Charone Widmer Moss & Barr
230 West Monroe St., Suite 1900
Chicago, IL 60606
(312) 236-8033

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

Esperanza Arnold
(By) DEPUTY CLERK

MAR 07 2008

DATE

EDA**FILED****MARCH 7, 2008**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**08 C 1372**MICHAEL HAFFNER, as Trustee of the
CHAUFFEURS, TEAMSTERS & HELPERS
LOCAL UNION NO. 301 HEALTH &
WELFARE FUND,

Case No.

Plaintiff,

v.

DUFFY TRUCKING, L.L.C.,

Defendant.

JUDGE COAR
MAGISTRATE JUDGE MASON**COMPLAINT**

1. This is an action pursuant to Section 502(a)(3) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1132(a)(3) to collect delinquent employee benefit fund contributions.

Parties

2. The Chauffeurs, Teamsters & Helpers Local Union No. 301 Health & Welfare Fund ("Fund") is an employee benefit trust and plan within the meaning of Section 3(3) of ERISA, 29 U.S.C. § 1002(3).

3. Plaintiff Michael Haffner is a fiduciary and trustee of the Health & Welfare Fund. Section 502(a)(3) of ERISA, 29 U.S.C. § 1132(a)(3), provides that a fiduciary of an employee benefit plan is authorized to commence a civil action to enforce the obligations which ERISA imposes upon employers.

4. Defendant Duffy Trucking, L.L.C. ("Duffy Trucking") is an Illinois corporation conducting business within this judicial district. Duffy Trucking also is an "employer" as

defined by Section 3(5) of ERISA, 29 U.S.C. § 1002(5).

Jurisdiction and Venue

5. This Court has subject matter jurisdiction pursuant to 29 U.S.C. § 1132(e)(1).

6. Venue in this Court is conferred by 29 U.S.C. § 1132(e)(2), as this judicial district is where the Fund is administered and where the events underlying this complaint occurred.

Specific Allegations

7. Duffy Trucking and Teamsters Local 301 are parties to a collective bargaining agreement effective May 1, 2000 ("Agreement"). A copy of the relevant provisions of the Agreement is attached as Exhibit 1. Duffy Trucking's certification with respect to the employer monthly remittance report for November 2007 and the Report are attached as Exhibit 2.

8. The Agreement obligates Duffy Trucking to make timely contributions to the Fund on behalf of individuals performing work covered by the Agreement.

9. Although individuals did engage in covered work on Duffy Trucking's behalf for the months of November 2007, December 2007, and January 2008, Duffy Trucking has failed to pay contributions owed to the Health and Welfare Fund for those months or made late contributions and owes the Health and Welfare Fund \$1,872.00 plus liquidated damages for those months.

10. Pursuant to the Agreement, the Fund's trust agreement (incorporated by reference in the Agreement), and 29 U.S.C. §1132(g)(2), the Fund is entitled to the unpaid contributions as well as liquidated damages in the amount of \$270.40 and interest for the months specified in paragraph 9 above.

11. Pursuant to the Fund's trust agreement and 29 U.S.C. §1132(g)(2)(C), the Fund is also entitled to recover its attorneys' fees and costs due to Duffy Trucking's failure to pay the

contributions due and owing the Fund.

WHEREFORE, Plaintiff requests that the Court issue an order against Defendant Duffy Trucking granting the following relief:

- A. a judgment on behalf of the Health & Welfare Fund for the delinquent contributions of \$1,872.00 and liquidated damages of \$270.40 owed pursuant to the Agreement and trust agreement for the period of time from months November 2007, December 2007 and January 2008, and for such amounts as become due during the pendency of this proceeding;
- B. a judgment on behalf of Plaintiff finding Duffy Trucking liable for interest on the delinquent contributions pursuant to 29 U.S.C. Section 1132(g)(2)(B);
- C. a judgment on behalf of Plaintiff for reasonable attorneys' fees and costs incurred by the Fund in bringing this action;
- D. such other and further relief as by the Court may be deemed just and equitable.

Respectfully submitted,

s/ William A. Widmer, III
William A. Widmer, III

s/ Martin P. Barr
Martin P. Barr
Attorneys for Plaintiffs

CARMELL CHARONE WIDMER
MOSS & BARR
230 West Monroe, Suite 1900
Chicago, Illinois 60606
(312) 236-8033

Dated: March 7, 2008